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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,433	07/29/2003	Michael J. Connor	4191-00318	6029
26753	7590	01/12/2006	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202			BETTS JR, ROGER D	
			ART UNIT	PAPER NUMBER

1723

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,433	Applicant(s) CONNOR ET AL.	
	Examiner Roger D. Betts Jr.	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pett (U.S. Patent No. 4,331,535). In view of Claim 1, Pett (535) discloses a filter comprising first and second axially spaced end caps (Fig. 2, #1 and #9) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column extending axially between said end caps and spaced from said axial opening for receiving a post from a base mounting the filter to the base, (Fig. 2, #11) (claim 1).
2. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent No. 4,871,381). In view of Claim 13, Smith (381) teaches first and second axially spaced end caps (Fig. 1, #60, #62) having axial flow opening (Fig. 1), wherein filter media extends between end caps (Fig. 1, #64, #66), wherein each pair of columns having a hollow sub-interior for a post applying axial compression force between end caps (Fig. 1, #26 and #28) mounted to a base (Fig. 12, #18).

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness

3. Claims 2-6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pett (U.S. Patent No. 4,331,535) in view of Grant (U.S. Patent No. 3,524,550). Pett (535) discloses a filter comprising first and second axially spaced end caps (Fig. 2, #3 and #4) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column (Fig. 2, #10) extending axially between said end caps and spaced from said axial opening having a sub interior for a post (Fig. 5, #29) (Fig. 2, #12)(claim 1). However, Pett (535) fails to disclose a post applying axial force between said end caps without the need for inner and outer filter media liners (claim 3), wherein second end cap is adjacent said base and post extends axially through column sub-interior to first end cap (claim 4), comprising a seal sealing said sub-interior of said column from interior of said filter media to block contaminant flow (claim 5), wherein seal is located on column in circumscribing relation and in non-circumscribing relation to axial flow opening (claim 6). Grant (550) discloses a post applying axial compression between end caps (Fig. 1, #31 and #32) and column supports (Fig. 1, encompassing both sides of filter element (#19) without the need for inner and outer filter media liners (claim 2), wherein filter media has no inner or outer liner (Fig. 1) (claim 3), wherein second end cap is adjacent to said base (Fig. 1, item 24 meets with item 32) and post extending axially column sub-interior to first end cap (Fig. 1, #23) (claim 4). Grant (550) also discloses a filter comprising a seal of said filter media to block contaminant (Fig. 1, #38) (claim 5) and a seal located on filter element in circumscribing relation and in non-circumscribing relation to axial flow opening (Fig. 1, #31) (claim 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the Pett (535) in view of the teachings of Grant (550) in which the filter assembly facilitates its installation within a filter housing and provides proper sealing pressures within housing (Col. 1, 70-72; Col. 2, 1-4)

4. Claim 7 is rejected under 35 U.S.C. 103 (a) as being anticipated by Pett (U.S. Patent No. 4,331,535) in view of Janik et al. (U.S. Patent No. 5,484,527). In view of Claim 7, Pett (535) discloses a

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filter comprising first and second axially spaced end caps (Fig. 2, #1 and #9) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column extending axially between said end caps and spaced from said axial opening and for receiving a post from a base mounting the filter to the base, (Fig. 2, #11) and a seal sealing said sub-interior. However, Pett (535) fails to disclose a filter wherein said column comprising first and second sleeves extending from first and second end caps towards each other and engaging each other in axially overlapped telescoped non-threaded axially slidable relation, wherein one of said sleeves having an annular sealing bead engaging the other sleeves in axially slidable sealing relation to seal sealing of column to block contaminant flow. Janik (527) discloses a filter wherein column comprising first and second sleeves extending from first and second end caps towards each other and engaging each other in axially overlapped telescoped non-threaded axially slidable relation (Fig. 2, #24 and #106) to block contaminant flow. It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the Pett (535) in view of the teachings of Janik (527) in which the filter encompasses first and second sleeves towards each other in order to block contaminant flow and provides fluid passageway.

5. Claims 8-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pett (535), as modified by, Janik (527) in view of Kitson (U.S. Patent No. 5,053,129). Pett (535), as modified by, Janik (527) discloses a filter comprising first and second axially spaced end caps (Fig. 2, #1 and #9) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column extending axially between said end caps and spaced from said axial opening and for receiving a post from a base mounting the filter to the base, (Fig. 2, #11) and a seal sealing said sub-interior, wherein said column comprises first and second sleeves engaging each other in axially overlapped telescoped non-threaded axially slidable relation, one of said sleeves having an annular sealing bead engaging the other sleeves to block contaminant flow. However, Pett (535), as modified by,

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Janik (527) fails to disclose a filter, wherein filter sleeves engage each other at a junction having an inner and outer portion facing said inner surface of outer sleeve portion sealed by annular sealing bead (claim 8), wherein seal bead is on the inner surface (claim 9) and first end cap and first sleeve are molded and second end cap and second sleeve are molded (claim 10). Kitson (129) teaches a filter wherein the filter sleeves engage each other at a junction having an inner and outer portion facing said inner surface of outer sleeve portion sealed by annular sealing bead (Fig. 1, abutment of #38 and #40) (claim 8), wherein seal bead is on the inner surface (Fig. 1, #26) (claim 9), wherein first end and first sleeve are molded first singular piece (Fig. 1, #26, #36, and #68) and second end and second sleeve are molded second singular piece (Fig. 1, #26, #28, and #66) (claim 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture Pett (535), as modified by, Janik (527) in view of the teachings of Kitson (129), in which the filter element configuration can be used in many different housings wherein flow contaminant is blocked.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pett (U.S. Patent No. 4,331,535) in view of Kitson (U.S. Patent No. 5,053,129). Pett (535) discloses a filter comprising first and second axially spaced end caps (Fig. 2, #3 and #4) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column (Fig. 2, #10) extending axially between said end caps and spaced from said axial opening having a sub interior for a post (Fig. 2, #11) extending from a base (Fig. 2, #12)(claim 1). However, Pett (535) fails to disclose a filter wherein column comprises first and second sleeves extending from first and second end caps towards each other wherein one of sleeves having a stop engaging the other sleeve (claim 11). Kitson (129) teaches a column wherein one of said sleeves having a stop engages the other sleeve (Fig. 1, #38 meets Fig. 1, #26)(claim 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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manufacture the Pett (535) invention in view of the teachings of Kitson (129), in which the filter element configuration can be used in many different housings wherein flow contaminant is blocked.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pett (U.S. Patent No. 4,331,535) in view of Gachot (U.S. Patent No. 3,578,014). Pett (535) discloses a filter comprising first and second axially spaced end caps (Fig. 2, #3 and #4) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column (Fig. 2, #10) extending axially between said end caps and spaced from said axial opening having a sub interior for a post (Fig. 2, #11) extending from a base (Fig. 2, #12)(claim 1). However, Pett (535) fails to disclose an air filter comprising an O-ring sealing (claim 12). Gachot (014) teaches an air filter that comprises an O-ring sealing (Fig. 3, #35). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the Pett (535) invention in view of the teachings of Gachot (014) in which the air filter utilizes an O-ring sealing to provide an air tight seal for a closed loop air filter to prevent air flow leakage.

8. Claims 14-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (381) in view of Lentz (U.S. Patent No. 1,861,805). Smith (381) teaches first and second axially spaced end caps having axial flow opening (Fig. 1), wherein filter media extends between end caps (Fig. 1, #14), wherein each having a hollow sub-interior for a post applying axial compression force between end caps (Fig. 1, #26 and #28) mounted to a base (Fig. 12, #18).

However, Smith (381) fails to disclose a pair of seals of columns to seal filter media to block contaminant in a non-circumscribing relations. Lentz (805) teaches a gasket (Fig. 1, #29) that serves as a pair of seals for sealing filter media (claim 14) and columns for comprising third and fourth sleeves (Fig. 1, 41) (claim 15) in which third and fourth sleeves engages each other in an axially overlapped telescoped

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relation having a sealing bead (claim 16) wherein one of said first and second sleeves has a stop engaging the other first or second sleeve providing said axial compression force (claim 17), wherein the seals are located on first and second columns (Fig. 1, 29) (claim 19), wherein the axial flow opening are in axial alignment with first and second end cap posts (Fig. 2, below #30 and #31, extending to base) (claim 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture Koslow (371) invention in view of the teachings of Lentz (805) in which the air filter is designed to permit the functioning of the filtering element throughout its entire length and constructed that it may be easily removed and replaced with a pair of seals to provide an air-tight seal, wherein structure allows for third and fourth sleeve configuration engaging each other in a overlapped telescoped relation and first or second sleeves providing axial compression force with seals located on first and second columns of filter, wherein the axial flow opening are in axial alignment with first and second end cap posts.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pett (535) in view of Lentz (U.S. Patent No. 1,861,805). Pett (535) discloses a filter comprising first and second axially spaced end caps (Fig. 2, #3 and #4) with a filter media (Fig. 2, #2) extending axially between said end caps extending in a close-loop, wherein at least one column (Fig. 2, #10) extending axially between said end caps and spaced from said axial opening having a sub interior for a post (Fig. 2, #11) extending from a base (Fig. 2, #12)(claim 1). However, Pett (535) fails to disclose a hollow interior of filter media and second end cap in axial alignment wherein post is laterally spaced from axial flow opening (claim 18). Lentz (805) discloses a filter media (Fig. 1, #37) axial alignment with a second end cap (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the Pett (535) invention in view of the teachings of Lentz (850), wherein the current design provides the optimum filtration passageway.

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. The disclosed features begin in Paragraph 1 and continue throughout the remaining portions of the office action.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger D. Betts Jr. whose telephone number is (571) 272-8153. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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